

House File 2165 - Introduced

HOUSE FILE 2165

BY SALMON, JACOBSEN, WHEELER,
GASSMAN, SHEETS, HEARTSILL,
HANUSA, GUSTAFSON, BOSSMAN,
FISHER, WATTS, BACON, HOLT,
KOESTER, BAXTER, DOLECHECK,
LUNDGREN, HAGER, and ROGERS

A BILL FOR

1 An Act prohibiting a cause of action for wrongful birth or
2 wrongful life, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 613.15B Wrongful birth or
2 wrongful life cause of action — public policy — prohibition —
3 exceptions — applicability.

1. It is the public policy of this state to encourage all persons to respect the right to life of all persons, regardless of age, stage of development, condition, or dependency, including all persons with a disability and unborn children as defined in section 146B.1.

9 2. A cause of action shall not arise and damages shall not
10 be awarded, on behalf of any person, based on a wrongful birth
11 claim that, but for an act or omission of the defendant, a
12 child would not or should not have been born.

3. A cause of action shall not arise and damages shall not be awarded, on behalf of any person, based on a wrongful life claim that, but for an act or omission of the defendant, the person bringing the action would not or should not have been born.

4. The prohibitions specified in this section apply to any claim regardless of whether the child is born healthy or with a birth defect or disorder or other adverse medical condition. However, the prohibitions specified in this section shall not apply to a civil action for damages for an intentional or grossly negligent act or omission, including any act or omission that constitutes a public offense.

25 5. This section applies to causes of action that accrue on
26 or after July 1, 2018. A cause of action that accrues before
27 July 1, 2018, is governed by the law applicable to such a cause
28 of action prior to July 1, 2018.

29	EXPLANATION
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30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to causes of action for wrongful birth
33 and wrongful life. The bill provides that it is the public
34 policy of this state to encourage all persons to respect the
35 right to life of all persons, regardless of age, stage of

1 development, condition, or dependency, including all persons
2 with a disability and unborn children.

3 The bill prohibits a cause of action and the awarding of
4 damages on behalf of a person, based on a wrongful birth claim
5 that, but for an act or omission of the defendant, a child
6 would not or should not have been born.

7 The bill also prohibits a cause of action and the awarding of
8 damages on behalf of any person, based on a wrongful life claim
9 that, but for an act or omission of the defendant, the person
10 bringing the action would not or should not have been born.

11 The prohibitions apply to any claim regardless of whether
12 the child is born healthy or with a birth defect or disorder
13 or other adverse medical condition. However, the bill does
14 not apply to a civil action for damages for an intentional
15 or grossly negligent act or omission, including any act or
16 omission that constitutes a public offense.

17 The bill applies to a cause of action that accrues on or
18 after July 1, 2018. A cause of action that accrues before July
19 1, 2018, is governed by the law applicable to such a cause of
20 action prior to July 1, 2018.

21 The bill, in part, is a response to the Iowa supreme court's
22 decision in Plowman v. Fort Madison Community Hospital, No.
23 15-0974 (June 2, 2017), holding, in part, that a wrongful birth
24 action fits within common law tort principles governing medical
25 negligence claims.